

## **Federal Decree-Law No. (33) of 2023 on Combating Fraud and Disruption of the Examination System**

**We, Mohamed bin Zayed Al Nahyan, President of the United Arab Emirates,**

Having reviewed the Constitution,

And Federal Law No. (1) of 1972 regarding the competencies of ministries and the powers of ministers, and its amendments,

And based on the proposal of the Minister of Education and the approval of the Cabinet,

We have issued the following Decree-Law:

### **Article (1)**

#### **Definitions**

For the purposes of implementing the provisions of this Decree-Law, the following words and phrases shall have the meanings assigned to each of them, unless the context requires otherwise:

**Ministry:** Ministry of Education.

**Educational Authorities:** Federal and local government authorities concerned with educational affairs, each within its jurisdiction.

**Educational Institutions:** Government or private institutions in which a student is enrolled at any stage of general or higher education, including schools, universities, colleges, institutes, and continuing education centers.

**Student:** Anyone enrolled in an educational institution for the purpose of obtaining a certificate or a degree, including those undergoing an assessment or placement test at a higher education institution.

#### **Examination:**

A tool developed or administered by the Ministry, educational authorities, or educational institutions to assess and measure the skills and knowledge acquired by the student and their ability to achieve targeted learning

outcomes at any stage of general or higher education, or for the purpose of verifying the fulfillment of admission requirements for higher education institutions.

**Examination Center:** A center accredited by the Ministry or educational authorities, according to the standards determined by the Ministry or educational authorities, each within its jurisdiction, for the purpose of conducting examinations.

**Examination Hall:** The designated place for conducting the examination, including its external premises, as determined by the educational institution.

**Examination Committees:**

Committees formed within the Ministry, educational authorities, or educational institutions, responsible for supervising the examinations specified by the Ministry, educational authorities, or educational institutions.

**Disruption of the Examination System:**

Committing any act that would cause disturbance or confusion to the work of the examination committees or the conduct of examinations inside or outside the examination hall, and which is feared or results in compromising the integrity of the examination procedures or results.

**Fraud (Cheating):**

Obtaining, attempting to obtain, giving, or leaking information related to examination questions, answers, or content by unlawful means, including hacking electronic examination systems, falsifying examination results, or the possession and use by a student of any information technology or other unauthorized means in examination halls and centers.

**Personnel in Charge of Examinations:** Employees of examination committees, supervisors and staff at examination centers, those responsible for proctoring and observation in examination halls, setters of examination questions and model answers, and those involved in printing examinations and recording and assessing grades.

## **Article (2)**

### **Objectives**

This Decree-Law aims to achieve the following:

1. To consolidate the principles of equality and equal opportunity, and to dedicate transparency and credibility in the examination system.
2. To enhance the mechanisms and means of combating the disruption of the examination system and to ensure its proper conduct and the integrity of its procedures.

## **Article (3)**

### **Scope of Application**

The provisions of this Decree-Law shall apply to examinations held by educational institutions, and examinations supervised by the Ministry or educational authorities, whether the examinations are conducted in person or remotely, in accordance with the systems approved in this regard by the Ministry or the educational authority.

## **Article (4)**

### **Measures and Mechanisms for Combating Fraud and Disruption of the Examination System**

The Ministry and educational authorities shall take the necessary measures to combat fraud and disruption of the examination system, and in particular, shall do the following:

1. Continuous awareness of policies and mechanisms related to combating fraud and disruption of the examination system.
2. Providing support, advice, and guidance to those concerned in the education sector.
3. Conducting comparative benchmark studies to identify the causes leading to fraud and disruption of the examination system.

4. Developing effective mechanisms for monitoring cases of fraud and disruption of the examination system and the necessary procedures to combat them.
5. Reporting to the competent judicial authorities if it is found that the violations committed constitute a criminal offense.

## **Article (5)**

### **Obligations of Personnel in Charge of Examinations**

Personnel in charge of examinations shall take precautionary measures in handling examinations and ensure their complete confidentiality and the integrity of the procedures for their organization, evaluation, and documentation in accordance with the decisions issued by the Ministry, educational authorities, or educational institutions, and shall adhere to the controls related to the confidentiality of information. In particular, they shall commit to the following:

1. Educating students in examination halls and centers about the importance of adhering to all regulations, instructions, and general guidelines for examinations.
2. Organizing and controlling examinations in committees, halls, and examination centers, and creating all conditions to ensure the proper conduct of examinations.
3. Identifying cases that violate examination regulations before, during, and after the examinations and applying the procedures referred to in Article (7) of this Decree-Law.
4. Refraining from providing aid or assistance in any form to students in examination halls and centers, in everything related to handling or answering the examination.
5. Refraining from committing any act that enables or facilitates students to disrupt the examination system.
6. Any other obligations determined by the Ministry or the educational authority.

## **Article (6)**

### **Penalties**

1. A fine not exceeding (200,000) two hundred thousand dirhams shall be imposed on any non-student who commits any of the following acts before, during, or after the examination, whether committed inside or outside the examination halls and centers:

- a. Printing, publishing, promoting, transferring, or leaking information related to examination questions, answers, or content by any means with the intent of fraud or disrupting the examination system.
- b. Intentionally and unlawfully altering a student's answer or the grade awarded to them.
- c. Impersonating a student with the intent of taking the examination on their behalf.

2. The same penalty stipulated in clause (1) of this Article shall be imposed on any non-student who participates or contributes as a principal or an accomplice, by any means, in the commission of any of the acts stipulated in clause (1) above, with knowledge thereof.

3. In case of conviction, the court shall order the confiscation of items used in the act of fraud or disruption of the examination system, or which were intended to be used for it, or were the subject of it. The court may also order the closure of the commercial establishment that provided these items, all without prejudice to the rights of bona fide third parties.

4. The court may order community service for a period not exceeding (6) six months instead of the penalty stipulated in clause (1) of this Article, or it may combine the fine with a community service measure for a period not exceeding (3) three months.

## **Article (7)**

### **Disciplinary Procedures**

The Ministry, educational authorities, and educational institutions shall establish systems and codes of conduct that must be adhered to and observed in implementation of the provisions of this Decree-Law. These must include the disciplinary procedures and decisions that can be taken

in case of violation of the systems and codes of conduct, as well as the procedures and deadlines for appealing these procedures and decisions.

## **Article (8)**

### **Rules for Disciplining Students and Personnel in Charge of Examinations**

1. If a student commits any act of fraud or disruption of the examination system, disciplinary procedures shall be applied in accordance with the systems and codes of conduct in force at the Ministry, educational authorities, and educational institutions.
2. Without prejudice to the penalties stipulated in Article (6) of this Decree-Law, disciplinary procedures shall be applied to personnel in charge of examinations in the event of their violation of any of the provisions of this Decree-Law, according to the systems and codes of conduct in force at the Ministry, educational authorities, and educational institutions.

## **Article (9)**

### **Judicial Officer Capacity**

Employees of the examination committees, who are designated by a decision from the Minister of Justice or the head of the local judicial authority in agreement with the Minister or the head of the educational authority, shall have the capacity of judicial officers in establishing violations of the provisions of this Decree-Law and the decisions issued in its implementation that fall within their jurisdiction.

## **Article (10)**

### **Reporting**

Any member of the educational or administrative staff in the educational authority or educational institution who becomes aware of, or is informed by any means of, the commission of any of the acts violating the provisions of this Decree-Law, shall report it to the Ministry or the educational authority, in accordance with the procedures specified by a decision from the Minister or the head of the local educational authority.

## **Article (11)**

### **Executive Decisions**

The Minister or the head of the local educational authority, each according to their jurisdiction, shall issue the necessary decisions to implement the provisions of this Decree-Law.

## **Article (12)**

### **Repeals**

1. Any provision that contradicts or conflicts with the provisions of this Decree-Law is hereby repealed.
2. The decisions and regulations related to examinations issued before the entry into force of the provisions of this Decree-Law shall remain in effect, insofar as they do not conflict with its provisions, until the issuance of decisions that replace them.

## **Article (13)**

### **Publication and Entry into Force of the Decree-Law**

This Decree-Law shall be published in the Official Gazette and shall enter into force on the day following the date of its publication.

Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace - Abu Dhabi:

Date: 10 / Rabi' al-Awwal / 1445H

Corresponding to: 25 / September / 2023G